

REMARKS

The Examiner's action dated May 25, 2007, has been received, and its contents carefully noted.

In order to assure full compliance with formal requirements regarding applicant's priority claim under 35 USC 120, the specification has been amended to provide the proper cross reference. Pursuant to MPEP §201.11 III.D., a petition under 37CFR 1.78(a) and the surcharge under 37 CFR1.17(t) are not required if the priority claim was recognized by the Office as shown by its inclusion on the filing receipt. In the present case, the priority claim was included on the filing receipt.

The prior art rejection presented in sections 17-20 of the Action is traversed for the reason that the applied reference is not available as prior art against the claims of the present application. The present application is a continuation of application 09/610,889, filed on July 6, 2000 and the specification of the present application is identical to that of the parent application. The earliest possible effective date of the cited reference is September 20, 2000.

It is therefore requested that the prior art rejection be withdrawn.

Referring to section 14 of the Action, it is requested that the information listed on the form PTO/SB/57,

submitted together with filing of the present application, be considered. As was stated in the application transmittal letter of December 1, 2003, the cited documents were previously cited in the prior application, from which priority rights were claimed under 35 USC §120. Pursuant to 37 CFR §1.98(d) and MPEP 609.02, the examiner of a continuing application will consider information which was considered by the Office in the parent application and it is not necessary for the applicant to submit copies of the references cited in the parent application, and it is not necessary to submit an IDS that lists the prior art cited by the examiner in the parent application unless the applicant desires the information to be printed on the patent issuing from the continuing application.

Therefore, applicant is entitled to have that prior art considered in connection with the present application.

In response to the newly presented election of species and restriction requirements, applicant hereby provisionally selects the claims of Group I and species I, on which claims 1, 2, 90, 91, 95 and 96 are readable.

At least claim 1 is generic to all of the enumerated species, as evidenced by the fact that claim 1 is included in the listing of every species.

In any event, since an Action on the merits has been given with respect to generic claim 1, and the rejection thereof has been overcome, it is believed that the election of species requirement with respect to the claims of Group I should be withdrawn and all of the claims permitted to remain in the application.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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